

DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

We, John Van Hamont, Curt Thies, Robert H. Reid, Charles McQueen and Jean Setterstrom, hereby declare that we are citizens of the United States and that our residences are as stated below next to our names. We believe that we are the original inventors of the invention entitled EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES described and claimed in our original application No. 08/698,896, filed August 16, 1996, and the resulting United States Patent No. 5,705,197 which issued January 6, 1998 ("the '197 patent"), which was a continuation-in-part of U.S. patent application Serial No. 08/242,960, filed May 16, 1994, and for which invention a reissue patent is solicited.

We do not know and do not believe that the invention of the '197 patent was ever known or used in the United States before my invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventors' certificate in any country foreign to the United States prior to the date of the original application on an application filed by us or our legal representatives or assigns more than 12 months before my original application.

We have reviewed and understand the contents of the attached specification, including the claims, as amended by any amendments specifically referred to in this Declaration. We

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acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with 37 C.F.R. §§ 1.56(a) and 1.175(a) (7).

We believe that through error, without any deceptive intent, the '197 patent is partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. In particular, we believe that the claims as issued are too narrow given the breadth of the disclosure in the specification. We believe that this was the result of our patent attorney's failure to appreciate the full scope of the invention.

This possible error in the claim language arose without deceptive intent during prosecution of the application before the United States Patent and Trademark Office.

Therefore, by reason of the above-described errors, claims presented in original Patent 5,705,197 are possibly not broad enough to cover all aspects of the invention disclosed in the patent. By this reissue application, the identified errors are believed to be corrected.

All errors which are being corrected in the present reissue application up of the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,705,197, and request that Letters Patent be reissued to us and the assignee, The United States of America as represented by the Secretary of the Army, for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made

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are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Marlana K. Titus (Reg. No. 35,843) and Caroline Nash (Reg. No. 36,329) of Nash & Titus, LLC, 3415 Brookeville Road, Suite 1000, Brookeville, Maryland 20833, (301) 924-9600 (to whom all communications are to be directed) individually and collectively as our attorneys to prosecute this application and to transact all business in the Patent and Trademark office connected therewith and with the resultant Patent.

Inventor's Name: John Van Hamont

Inventor's Residence: 239 B Barnard Loop
West Point, New York 10996

Inventor's Citizenship: U.S.A.

Inventor's Signature: John E. Van Hamont

Date Signed: 27 December 1999

Inventor's Name: Curt Thies

Inventor's Residence: 305 Fawn Meadows
Ballwin, MO 63011

Inventor's Citizenship: U.S.A.

Inventor's Signature: _____

Date Signed: _____

Inventor's Name: Robert H. Reid

Inventor's Residence: 10807 McComas Court
Kensington, MD 20895

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Inventor's Name: Charles McQueen

Inventor's Residence: 16805 Ethelwood Terrace
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Inventor's Citizenship: U.S.A.

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Inventor's Name: Jean Setterstrom

Inventor's Residence: 700 Hampton Trace Lane
Alpharetta, GA 30201

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Inventor's Name: Jean Setterstrom

Inventor's Residence: 700 Hampton Trace Lane
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We do not know and do not believe that the invention of the '97 patent was ever known or used in the United States before my invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventors' certificate in any country foreign to the United States prior to the date of the original application on an application filed by us or our legal representatives or assigns more than 12 months before my original application.

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